

Hoarding – Report
Virginia Housing Commission



<http://marylandrestorationpros.com/trauma-cleanup/hoarding-cleanup/>

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Date: May 9, 2018

SUMMARY:

This report contains a compilation of hoarding legislation, policy, ordinance codes, and case laws. In this case, hoarding is defined as the “acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety” (320 Ill. Com. Stat. § 20/2). After researching what is already in place in other states, cities, or municipalities, I have come to the conclusion that most legislation falls under the category of public safety, unsafe properties, or fire hazards. Houston, Texas was the only municipality that I found to have legislation directly focused on hoarding.

All findings are listed below, alphabetically and condensed, by name of state. Relative language will be highlighted. Links are provided for full language.

ARIZONA:

*The State of Arizona **does not** provide a statewide hoarding policy in their Code. However, Arizona's municipalities **do** provide policies/legislative findings in their Code of Ordinances that deem properties unsafe. These findings may be of interest to the Virginia Housing Commission:*

EL MIRAGE, AZ:

El Mirage, AZ Code of Ordinances

Chapter 90: Nuisance and Neighborhood Preservation

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§ 90.03 ENFORCEMENT.

(A) The provisions of this chapter shall only apply to conditions that are visible to a person standing upon a public street or sidewalk except where the city determines that the conditions are, or are likely to become, a threat to the public health or safety or where the conditions are so severe they are, or are likely to become, a nuisance to a neighborhood.

(B) A violation of any of the provisions of this chapter shall be considered to be a public nuisance. The city may elect to proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, facilitating, or aiding or abetting a violation of any provision of this chapter.

(C) Any code enforcement officer or police officer who observes a violation of any of the provisions of this chapter is empowered to issue a citation to the alleged violator. Prior to issuing a citation, the code enforcement officer or police officer may, except as otherwise specifically provided here, issue a written notice of violation. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.

(Prior Code, § 20-1-3) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.04 OWNER OF RECORD.

The owner of record, as recorded in the Maricopa County Recorder's Office, shall be presumed to be a person having lawful control over any building or parcel of land. If more than one person is recorded as the owner of the property, those persons shall be jointly and severally presumed to be persons having lawful control over the building or parcel.

(Prior Code, § 20-1-4) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.05 INSPECTIONS.

(A) Any code enforcement officer or police officer may inspect buildings or land to determine compliance with this chapter.

(B) Building exteriors and unscreened land may be inspected at any time with or without the presence of the owner or occupant in conformance with legal requirements governing administrative inspections of buildings and land.

(C) Except in a situation presenting an imminent hazard to life, health, or public safety, building interiors and screened land shall be inspected during the normal business hours of the city, unless otherwise arranged, upon:

(1) The owner's or occupant's consent; or

(2) Any administrative or court order.

(Prior Code, § 20-1-5) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.06 NOTICES AND ORDERS OF ABATEMENT.

(A) If a person owning or controlling any property fails, neglects, or refuses to remove or properly dispose of rubbish, trash, weeds, or other accumulation of litter, junk, garbage, debris, or dilapidated structures located on property owned or controlled by the person, or otherwise fails to comply with the requirements of this chapter, the person shall be given written notice from the city to remove all such matter from the property or to take such other actions as may be necessary to comply within 30 days from the date the notice was received by him or her, and prior to the date of compliance on the notice.

(B) The notice shall contain an estimate of the cost of removal by the city; a statement that unless the person owning or controlling the property complies with the notice within 30 days from the date the notice is received, that the city will, at the expense of the person owning or controlling the property, perform the necessary work at a cost not to exceed the estimate given in the notice; and that the cost of the removal by the city shall be billed separately and shall constitute a lien on the property owned or controlled by the person. The notice shall further advise that the person receiving the notice may appeal in writing to the Board of Appeal within 30 days from the date the notice is received by the person and prior to the date of compliance. (Prior Code, § 20-1-6) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.07 SERVICE OF NOTICE.

Notice shall be personally served on the owner, person, controlling the property, and on the occupant or lessee by a code enforcement officer or police officer, or mailed certified mail to the owner or person controlling the property at his or her last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall be sent to him or her by certified or registered mail at his or her last known address. In the event that the post office address of the owner or person controlling the property is unknown or if the owner or person controlling the property cannot be reached by mail, the City Clerk may cause the notice to be published in the newspaper used by the city for one publication, and that service shall be complete and shall have the same effect and force as if personally served upon the owner or user of the property.

(Prior Code, § 20-1-7) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.08 REMOVAL BY CITY.

When any such person to whom notice, as aforesaid, has been given and on or before the date of compliance on the notice, or within such further time as may have been granted by the Board of Appeal on appeal, fails, neglects, or refuses to comply with the notice, the code enforcement officer is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling the property. Upon completion of the work, the code enforcement officer shall prepare a verified statement of account of the actual cost of the removal or abatement plus 50% of the cost for the city's additional inspection and other incidental costs in connection therewith, which shall constitute an assessment against the property, the date the work was completed, and the street address and the legal description of the property on which the work was done, and shall serve a duplicate copy of the verified statement upon the person owning or controlling the property in the manner prescribed in this chapter.

(Prior Code, § 20-1-8) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.09 LIEN FOR REMOVAL.

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the Board of Appeal has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the Office of the County Recorder and, from the date of its recording, shall be a lien on the lot or tract of land until paid. The liens shall be subject and inferior to the lien for general taxes. All costs associated with filing the lien, such as but not limited to filing fees, postage, and any other miscellaneous fees, will be added to the lien amount. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The city shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

(Prior Code, § 20-1-9) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.10 MEANS OF APPEAL.

The owner of record or person controlling the property may appeal a notice served pursuant to [§ 90.07](#), or an assessment served pursuant to [§ 90.08](#), within 30 days of receipt of the notice or assessment, in writing to the Board of Appeal by filing the appeal with the City Clerk's office. The Board of Appeal shall, at its next regular meeting held not less than ten days after receiving the appeal, hear and determine the same and the decision of the Board of Appeal shall be final. The Board of Appeal may affirm, reverse, or modify the actions required in the notice or the amount of the assessment.

(Prior Code, § 20-1-10) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.11 SUBSEQUENT ASSESSMENTS.

A prior assessment against the building or property shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

(Prior Code, § 20-1-11) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.12 EMERGENCY ABATEMENT.

(A) If a violation of this chapter presents an imminent hazard to life, health, or public safety, the city may notify the owner, the owner's authorized agent, the owner's statutory agent, occupant, or person responsible for the violation to correct the violation immediately or the city may abate the violation.

(B) A notice for emergency abatement may be written, oral, or electronic. A written notice shall be served by any of the following methods:

(1) By hand delivering a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee, and/or person responsible for the violation;

(2) By mailing a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee, and/or person responsible for the violation at the last known address; and/or

(3) By prominently posting a copy of the notice on the building, accessory improvement, land, or vehicle in violation.

(C) Written notice is deemed served on the date it is hand delivered, or if mailed, on the date it is deposited in the United States mail, or the date it is posted.

(D) Whether or not notice is received, the city may abate the violation.

(E) Upon request, the owner, the owner's authorized agent, the owner's statutory agent, occupant, lessee, or person responsible for a violation that presents an imminent hazard to life, health, or public safety shall be granted a hearing before the Board of Appeal but the appeal shall not stay the city's abatement of the violation.

(F) The city may assess the owner, occupant, or person responsible for a violation as set forth in § [90.08](#) above.

(G) The city may enforce the assessment lien as set forth in § [90.09](#) above.

(Prior Code, § 20-1-12) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

§ 90.13 LAND MAINTENANCE.

The following acts, omissions, conditions, and things in or upon any land, building, or structure in the city constitute public nuisances, the existence which are hereby prohibited and declared to be unlawful.

(A) No person, shall place any personal property, materials, good, wares, merchandise, or similar items of any kind in or upon any public street, sidewalk, alleyway, or right-of-way. Items placed by or approved by the city are exempt from this division.

(B) No person, shall place, deposit, or leave in or upon any public street, alleyway, sidewalk, right-of-way, park, or other city building or property any bottles, glass, cans, graffiti, handbills, posters, pieces of scrap metal, metal articles, paper, or other material or items, except in proper containers for collection.

(C) No owner or an occupant of any property shall allow or permit any trees, shrubs, or other plant growth on the property to impede, obstruct, or interfere with the free passage upon any public street, sidewalk, or alleyway; or obstruct the visibility of drivers; or interfere with any traffic control device; or signs or street lighting. Tree limbs must be maintained to hang no lower than 12 feet above any public street or alleyway and seven feet above any public sidewalk. Trees below seven feet, shrubs, or other plant growth must be maintained one foot from any public sidewalk. Dead trees, dead plants, and dead shrubs must be removed.

(D) No person shall allow the accumulation of items such as but not limited to bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts, or other such materials or items in unsheltered areas of private property.

(E) No person shall place and/or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, construction or landscape material, cardboard material, plastic material, debris, or any similar materials in a location that is visible to a person standing upon any public street or sidewalk.

(F) No person owning or occupying any property fronting on any street, alleyway, or public place in the city including the area between the property line of the property and the street shall allow thereon grass or weeds to exceed a height over six inches when such conditions create a blighting condition or may harbor infestations or are likely to become a hazard to the public health and safety. Dead trees, dead plants, and dead shrubs must be removed.

(G) No person owning any vacant building or vacant property within the city shall allow thereon grass or weeds to exceed a height over six inches, dead trees and bushes, or allow the accumulations of discarded construction materials, construction waste, trash, or any other debris when such conditions create a blighting condition, or may harbor infestations or are likely to become a hazard to public health or safety.

(H) No person shall place any waste materials, trash, weeds, or other accumulation of debris upon any public or private property not owned or under the control of that person, other than the placement of refuse for collection in accordance with policy.

(I) The storage of construction materials in unsheltered areas of the yard in which insects may breed or multiply or which provides harborage for rodents or which constitutes a hazard to the public health or safety is prohibited. This division shall not apply to any construction materials when a valid building permit exists for the property on which the construction material is

located and the construction materials is intended to be incorporated in the project for which the permit is issued.

(J) Any person owning any vacant property that has been subject to illegal dumping on more than three occasions within a 12-month period must effectively secure the area where the illegal dumping has occurred and place "no dumping" sign.

(K) The person in control of any private property shall at all times maintain adjacent unutilized street right-of-way and the portion of the alley contiguous with the property up the centerline of the alley free of litter.

(Prior Code, § 20-1-13) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

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§ 90.15 GENERAL NUISANCE.

(A) No person shall erect, maintain, use, place, deposit, cause, allow, leave, or permit to be or remain in or upon any private lot, building, structure, or property or in or upon any public street, alleyway, sidewalk, right-of-way, or other public or private place, any condition, thing, or act, to the prejudice, danger, or annoyance of a neighborhood or others.

(B) No person shall abandon, discard, store, or keep in any place accessible to children, a refrigerator or any other self-latching container of a capacity greater than one and one-half cubic feet which is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, latches, or securing to prevent access.

(C) All property shall be maintained to prevent the accumulation of stagnant water that may cause a hazardous or unhealthy condition or breed insects.

(D) No person shall allow any swimming pool, architectural pool, pond, or spa to remain or be maintained in a condition that may breed insects or result in insect or other infestations, is polluted or stagnant, or creates a blighting condition.

(E) No person shall permit or cause the discharge of water from any swimming pool, architectural pool, or spa into any public street, alleyway, or right-of-way.

(Prior Code, § 20-1-15) (Ord. 006-11-21, passed 12-14-2006; Res. R06-11-33, passed - -)

[http://library.amlegal.com/nxt/gateway.dll/Arizona/elmirage_az/cityofelmiragearizonacodeofordinancesvol?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:elmirage_az](http://library.amlegal.com/nxt/gateway.dll/Arizona/elmirage_az/cityofelmiragearizonacodeofordinancesvol?f=templates$fn=default.htm$3.0$vid=amlegal:elmirage_az)

GLENDALE, AZ:

Glendale, Arizona Code of Ordinances
Chapter 29.1 - Residential Rental Property

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Sec. 29.1-18. - Interior sanitation.

The interior of every residential rental property shall be kept free from the presence or apparent evidence of insect, rodent or vermin infestation, and shall be maintained free from any unsafe or unsanitary condition such as but not limited to excessive moisture, accumulation

of garbage, food waste, trash, rubbish, refuse or litter or any condition which would promote or could harbor infestation by insects, rodents, vermin or other noxious pests.

(Ord. No. 2036, § 1, 10-13-98)

Sec. 29.1-19. - Interior of buildings.

(A) *Structural members.* All structural members, walls, floors, partitions or ceilings shall be structurally sound, and be capable of supporting the imposed loads.

(B) *Interior surfaces.* All interior wall and ceiling surfaces shall be maintained in good repair and free from loose plaster or sagging drywall or other defective surface conditions that may cause injury.

(C) *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.

(D) *Stairways.* Every interior stairway shall be maintained in sound condition and free from any broken, rotted or missing steps or tripping hazards.

(Ord. No. 2036, § 1, 10-13-98)

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Sec. 29.1-21. - Exterior premises.

(A) *Sidewalks and parking lots.* All sidewalks, walkways, parking lots and similar areas shall be maintained free from potentially dangerous holes, depressions or projections that are likely to cause tripping or injury to a person or otherwise present a hazardous condition.

(B) *Parking areas.* Within any residential zoned district no person shall park or store any vehicle such as but not limited to watercraft, camper shell, truck camper, or utility trailer in any portion of the side yard unless screened from the street or the surface area is improved with gravel, concrete, asphalt or paving bricks.

(C) *Drainage.* All premises shall be maintained to prevent the accumulation of stagnant water when such water may cause an unhealthy or hazardous condition, become a breeding area for insects or cause damage to foundation walls.

(D) *Grass and weeds.* All premises shall be maintained so that grass or weeds shall not attain a height of over six (6) inches.

(E) *Bushes, trees and other vegetation.* All premises shall be kept free from dry bushes, trees, tumbleweeds or other vegetation which create a blighting condition, which may harbor insect or rodent infestations, or which is likely to become a fire hazard or result in a condition which may threaten the health and safety or welfare of occupants or adjacent property owners.

(F) *Abandoned or inoperable vehicles and graffiti.* All premises shall be maintained free of abandoned or inoperable vehicles and graffiti visible from any public right-of-way or visible from any common area of residential rental property.

(G) *Rubbish and debris.* All premises shall be maintained free from an accumulation of rubbish or debris which constitutes a hazard to the health and safety of occupants or the public.

(H) *Garbage, trash or refuse.* All premises shall be maintained free from an accumulation of garbage, trash or refuse, or other wastes except that which is deposited in proper containers for sanitation collection.

(I) *Items stored in public view.* No person shall place and/or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, construction or landscape material, cardboard material, plastic material, debris or similar materials in a location

that is visible to a person standing upon any public street or sidewalk or any common area of residential rental property.

(J) *Exterior insect control.* All premises shall be kept free from the presence or apparent evidence of insects and rodent infestation, other noxious pests, nesting places, and any other unsightly or unsanitary accumulation which could harbor insects, rodents or other vermin.

(K) *Swimming pools.* All swimming pools, architectural pools and spas shall be properly maintained so as not to create a health or safety hazard, harbor insect infestation, be polluted, become stagnant or create a blighting condition. All enclosures, gates and doors shall be installed and properly maintained in accordance with the Code of the City of Glendale.

(L) *Fences, screen walls and retaining walls.* All fences, screen walls and retaining walls on the premises shall be safe and structurally sound.

(M) *Exterior lighting.* All exterior lighting shall be properly maintained and capable of performing the intended function. Exterior lighting shall include parking, common area and security lighting.

(Ord. No. 2036, § 1, 10-13-98; Ord. No. 2186, § 13, 2-27-01)

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Sec. 29.1-31. - Inspections.

(A) The city is authorized to make inspections of all residential rental properties to determine compliance with this chapter.

(B) An inspector may expand the scope of any inspection to include other City Code violations noted during inspection.

(C) Except in cases of alleged imminent hazards, the city manager or designee shall provide at least seventy-two (72) hours notice to the owner, managing agent and tenant prior to any interior inspections concerning violations.

(D) Interior inspections may be initiated by a tenant directly affected by a violation, social service agencies, city officials or by other city departments. Interior inspections requested by a tenant, social service agencies, city officials or other city departments will be referred to a housing counselor trained in state and city regulations as they pertain to residential rental properties. If it is determined that a violation(s) exist and the violator has been nonresponsive a rental housing inspector will inspect the property. The scope of the inspection will be expanded to include all other City Code violations.

(E) Exterior inspections may be initiated by a tenant, neighbor, neighborhood group or association, homeowner's association, or city officials or employees.

(Ord. No. 2036, § 1, 10-13-98)

https://library.municode.com/az/glendale/codes/code_of_ordinances?nodeId=PTIICOOR_CH29_1REREPRT_ARTIIST_S29.1-19INBU

CALIFORNIA:

*Although the State of California is in the Western region, the State of California's Court of Appeals **does** provide court opinions relating to blighted properties. The Court Opinion is in the form of a link due to its lengthiness. These findings may be of interest to the Virginia Housing Commission:*

Thomas Lippman v. City of Oakland

<http://www.courts.ca.gov/opinions/documents/A141865.PDF>

CONNECTICUT:

*The State of Connecticut **does not** provide a statewide hoarding policy in their Code. However it **does** provide policies/legislative findings that deem a property unsafe. These findings may be of interest to the Virginia Housing Commission:*

Title 29. Public Safety and State Police

Chapter 541. Building, Fire and Demolition Codes. Fire Marshals and Fire Hazards. Safety of Public and Other Structures

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Sec. 29-306. Abatement of fire hazards: Order to remove or remedy; penalties; notification of officials; order to vacate; review by State Fire Marshal

(A) When the local fire marshal ascertains that there exists in any building, or upon any premises,

(1) combustible or explosive matter, dangerous accumulation of rubbish or any flammable material especially liable to fire, that is so situated as to endanger life or property,

(2) obstructions or conditions that present a fire hazard to the occupants or interfere with their egress in case of fire, or

(3) a condition in violation of the statutes relating to fire prevention or safety, or any regulation made pursuant thereto, the remedy of which requires construction or a change in structure, the local fire marshal shall order such materials to be immediately removed or the conditions remedied by the owner or occupant of such building or premises. Any such removal or remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Any person, firm or corporation which violates any provision of this subsection shall be fined not more than one hundred dollars or be imprisoned not more than three months, or both, and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(B) Upon failure of an owner or occupant to abate a hazard or remedy a condition pursuant to subsection (a) of this section within a reasonable period of time as specified by the local fire marshal, such local fire marshal shall promptly notify in writing the prosecuting attorney having jurisdiction in the municipality in which such hazard exists of all the facts pertaining thereto, and such official shall promptly take such action as the facts may require, and a copy of such

notification shall be forwarded promptly to the State Fire Marshal. The local fire marshal may request the chief executive officer or any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists, or the State Fire Marshal, for the purpose of closing or restricting from public service or use such place or premises until such hazard has been remedied, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant; or the State Fire Marshal, on his own initiative, may apply to such court for such injunction. When such hazard is found to exist upon premises supervised or licensed by a state department or agency, the State Fire Marshal shall promptly notify the administrator of such department or agency of his findings and shall issue orders for the elimination of such hazard.

(C) If the local fire marshal or a local police officer determines that there exists in a building a risk of death or injury from

- (1) blocked, insufficient or impeded egress,
- (2) failure to maintain or the shutting off of any fire protection or fire warning system required by the Fire Safety Code or State Fire Prevention Code,
- (3) the storage of any flammable or explosive material without a permit or in quantities in excess of any allowable limits pursuant to a permit,
- (4) the use of any firework or pyrotechnic device without a permit, or
- (5) exceeding the occupancy limit established by the State Fire Marshal or a local fire marshal, such fire marshal or police officer may issue a verbal or written order to immediately vacate the building. Such fire marshal or police officer shall notify or submit a copy of such order to the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less from the time of such order. Upon receipt of any such notification or copy, the State Fire Marshal shall review such order to vacate, and after consultation with the local fire marshal or local police officer, determine whether to uphold, modify or reverse such order, with any further conditions the State Fire Marshal deems appropriate to protect any person from injury. A violation of such order shall be subject to the penalties under section 29-295.

<https://www.cga.ct.gov/2012/sup/chap541.htm#Sec29-306.htm>

DELAWARE:

*The State of Delaware **does not** provide a statewide hoarding policy in their Code. However, Delaware **does** have a section within their code relating to tenant obligations. The following includes provisions that may be of interest to the Virginia Housing Commission:*

State of Delaware Code

Title 25: Property; Residential Landlord-Tenant Code

Chapter 55: Tenant Obligations and Landlord Remedies

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§ 5503 Tenant obligations relating to rental unit; waste.

A tenant shall:

- (1) Comply with all obligations imposed upon tenants by applicable provisions of all municipal, county and state codes, regulations, ordinances and statutes;
- (2) Keep that part of the premises which the tenant occupies and uses as clean and safe as the conditions of the premises permit;
- (3) Dispose from the rental unit all ashes, rubbish, garbage and other organic or flammable waste, in a clean and safe manner;
- (4) Keep all plumbing fixtures used by the tenant as clean and safe as their condition permits;
- (5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating and other facilities and appliances in the premises;
- (6) Not willfully or wantonly destroy, deface, damage, repair or remove any part of the structure or rental unit or the facilities, equipment or appurtenances thereto, nor permit any person on the premises with the tenant's permission to do any such thing;
- (7) Not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the smoke detector inoperative;
- (8) Not remove or tamper with a properly functioning carbon monoxide detector installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative; and
- (9) Comply with all covenants, rules, requirements and the like which are in accordance with §§ 5511 and 5512 of this title; and which the landlord can demonstrate are reasonably necessary for the preservation of the property and persons of the landlord, other tenants or any other person.

70 Del. Laws, c. 513, § 3; 79 Del. Laws, c. 52, § 1.;

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§ 5511 Rules and regulations; tenant obligations.

(A) The tenant and all others in the premises with the consent of the tenant shall obey all obligations or restrictions, whether denominated by the landlord as "rules," "regulations," "restrictions" or otherwise, concerning the tenant's use, occupation and maintenance of the rental unit, appurtenances thereto and the property of which the rental unit is a part, if:

- (1) Such obligations and restrictions promote the health, safety, quiet, private enjoyment or welfare, peace and order of the tenants; promote the preservation of the landlord's property from abuse; and promote the fair distribution of services and facilities provided for all tenants generally; and
- (2) Such obligations and restrictions are brought to the attention of the tenant at the time of the tenant's entry into the agreement to occupy the rental unit; and
- (3) Such obligations and restrictions are reasonably related to the purpose for which they are promulgated; and

(4) Such obligations and restrictions apply to all tenants of the property in a fair manner; and

(5) Such obligations and restrictions are sufficiently explicit in the prohibition, direction or limitation of the tenant's conduct to fairly inform tenant of what tenant must or must not do to comply; and

(6) Such obligations or restrictions, if not made known to the tenant at the commencement of tenancy, are brought to the attention of the tenant and if said obligations work a substantial modifications of the lease agreement they have been consented to in writing by tenant.

(B) All tenants and other guests of the premises with the consent of tenant shall conduct themselves in a manner that does not unreasonably interfere with the peaceful enjoyment of the other tenants.

70 Del. Laws, c. 513, § 3.;

<http://delcode.delaware.gov/index.shtml>

FLORIDA:

*The State of Florida's Court of Appeals **does** provide court opinions relating to illegal dumping and maintenance of properties. The Court Opinion is in the form of a link due to its lengthiness. These findings may be of interest to the Virginia Housing Commission:*

Alan Wayne Davis v. State of Florida

<https://caselaw.findlaw.com/fl-district-court-of-appeal/1324816.html>

ILLINOIS:

*The State of Illinois **does not** provide a statewide hoarding policy in their Code. However, Illinois **does** have a statute that provides a definition of compulsive hoarding, in regards to "self-neglect." This piece of legislation is still in session, when founded, but the language has been deemed relevant.*

HB4847 Engrossed

LRB100 17485 KTG 32654 b

1 AN ACT concerning aging.

2 Be it enacted by the People of the State of Illinois,

3 represented in the General Assembly:

4 Section 5. The Adult Protective Services Act is amended by
5 changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 (a) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, neglect, or self-neglect
14 for the sole reason that he or she is being furnished with or
15 relies upon treatment by spiritual means through prayer alone,
16 in accordance with the tenets and practices of a recognized
17 church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

22 (a-5) "Abuser" means a person who abuses, neglects, or
23 financially exploits an eligible adult.

1 (a-6) "Adult with disabilities" means a person aged 18
2 through 59 who resides in a domestic living situation and whose
3 disability as defined in subsection (c-5) impairs his or her
4 ability to seek or obtain protection from abuse, neglect, or
5 exploitation.

6 (a-7) "Caregiver" means a person who either as a result of
7 a family relationship, voluntarily, or in exchange for
8 compensation has assumed responsibility for all or a portion of
9 the care of an eligible adult who needs assistance with
10 activities of daily living or instrumental activities of daily
11 living.

12 (b) "Department" means the Department on Aging of the State
13 of Illinois.

14 (c) "Director" means the Director of the Department.

15 (c-5) "Disability" means a physical or mental disability,
16 including, but not limited to, a developmental disability, an
17 intellectual disability, a mental illness as defined under the
18 Mental Health and Developmental Disabilities Code, or dementia
19 as defined under the Alzheimer's Disease Assistance Act.

20 (d) "Domestic living situation" means a residence where the
21 eligible adult at the time of the report lives alone or with
22 his or her family or a caregiver, or others, or other
23 community-based unlicensed facility, but is not:

24 (1) A licensed facility as defined in Section 1-113 of
25 the Nursing Home Care Act;

26 (1.5) A facility licensed under the ID/DD Community

1 Care Act;

2 (1.6) A facility licensed under the MC/DD Act;

3 (1.7) A facility licensed under the Specialized Mental
4 Health Rehabilitation Act of 2013;

5 (2) A "life care facility" as defined in the Life Care
6 Facilities Act;

7 (3) A home, institution, or other place operated by the
8 federal government or agency thereof or by the State of
9 Illinois;

10 (4) A hospital, sanitarium, or other institution, the
11 principal activity or business of which is the diagnosis,
12 care, and treatment of human illness through the
13 maintenance and operation of organized facilities
14 therefor, which is required to be licensed under the
15 Hospital Licensing Act;

16 (5) A "community living facility" as defined in the
17 Community Living Facilities Licensing Act;

18 (6) (Blank);

19 (7) A "community-integrated living arrangement" as
20 defined in the Community-Integrated Living Arrangements
21 Licensure and Certification Act or a "community
22 residential alternative" as licensed under that Act;

23 (8) An assisted living or shared housing establishment
24 as defined in the Assisted Living and Shared Housing Act;
25 or

26 (9) A supportive living facility as described in

1 Section 5-5.01a of the Illinois Public Aid Code.

2 (e) "Eligible adult" means either an adult with
3 disabilities aged 18 through 59 or a person aged 60 or older
4 who resides in a domestic living situation and is, or is
5 alleged to be, abused, neglected, or financially exploited by
6 another individual or who neglects himself or herself.
7 "Eligible adult" also includes an adult who resides in any of
8 the facilities that are excluded from the definition of
9 "domestic living situation" under paragraphs (1) through (9) of
10 subsection (d), if either: (i) the alleged abuse or neglect
11 occurs outside of the facility and not under facility
12 supervision and the alleged abuser is a family member,
13 caregiver, or another person who has a continuing relationship
14 with the adult; or (ii) the alleged financial exploitation is
15 perpetrated by a family member, caregiver, or another person
16 who has a continuing relationship with the adult, but who is
17 not an employee of the facility where the adult resides.

18 (f) "Emergency" means a situation in which an eligible
19 adult is living in conditions presenting a risk of death or
20 physical, mental or sexual injury and the provider agency has
21 reason to believe the eligible adult is unable to consent to
22 services which would alleviate that risk.

23 (f-1) "Financial exploitation" means the use of an eligible
24 adult's resources by another to the disadvantage of that adult
25 or the profit or advantage of a person other than that adult.

26 (f-5) "Mandated reporter" means any of the following

1 persons while engaged in carrying out their professional
2 duties:

3 (1) a professional or professional's delegate while
4 engaged in: (i) social services, (ii) law enforcement,
5 (iii) education, (iv) the care of an eligible adult or
6 eligible adults, or (v) any of the occupations required to
7 be licensed under the Clinical Psychologist Licensing Act,
8 the Clinical Social Work and Social Work Practice Act, the
9 Illinois Dental Practice Act, the Dietitian Nutritionist
10 Practice Act, the Marriage and Family Therapy Licensing
11 Act, the Medical Practice Act of 1987, the Naprapathic
12 Practice Act, the Nurse Practice Act, the Nursing Home
13 Administrators Licensing and Disciplinary Act, the
14 Illinois Occupational Therapy Practice Act, the Illinois
15 Optometric Practice Act of 1987, the Pharmacy Practice Act,
16 the Illinois Physical Therapy Act, the Physician Assistant
17 Practice Act of 1987, the Podiatric Medical Practice Act of
18 1987, the Respiratory Care Practice Act, the Professional
19 Counselor and Clinical Professional Counselor Licensing
20 and Practice Act, the Illinois Speech-Language Pathology
21 and Audiology Practice Act, the Veterinary Medicine and
22 Surgery Practice Act of 2004, and the Illinois Public
23 Accounting Act;

24 (1.5) an employee of an entity providing developmental
25 disabilities services or service coordination funded by

26 the Department of Human Services;

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1 (2) an employee of a vocational rehabilitation
2 facility prescribed or supervised by the Department of
3 Human Services;

4 (3) an administrator, employee, or person providing
5 services in or through an unlicensed community based
6 facility;

7 (4) any religious practitioner who provides treatment
8 by prayer or spiritual means alone in accordance with the
9 tenets and practices of a recognized church or religious
10 denomination, except as to information received in any
11 confession or sacred communication enjoined by the
12 discipline of the religious denomination to be held
13 confidential;

14 (5) field personnel of the Department of Healthcare and
15 Family Services, Department of Public Health, and
16 Department of Human Services, and any county or municipal
17 health department;

18 (6) personnel of the Department of Human Services, the
19 Guardianship and Advocacy Commission, the State Fire
20 Marshal, local fire departments, the Department on Aging
21 and its subsidiary Area Agencies on Aging and provider
22 agencies, and the Office of State Long Term Care Ombudsman;

23 (7) any employee of the State of Illinois not otherwise
24 specified herein who is involved in providing services to

25 eligible adults, including professionals providing medical
26 or rehabilitation services and all other persons having

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1 direct contact with eligible adults;

2 (8) a person who performs the duties of a coroner or
3 medical examiner; or

4 (9) a person who performs the duties of a paramedic or
5 an emergency medical technician.

6 (g) "Neglect" means another individual's failure to
7 provide an eligible adult with or willful withholding from an
8 eligible adult the necessities of life including, but not
9 limited to, food, clothing, shelter or health care. This
10 subsection does not create any new affirmative duty to provide
11 support to eligible adults. Nothing in this Act shall be
12 construed to mean that an eligible adult is a victim of neglect
13 because of health care services provided or not provided by
14 licensed health care professionals.

15 (h) "Provider agency" means any public or nonprofit agency
16 in a planning and service area that is selected by the
17 Department or appointed by the regional administrative agency
18 with prior approval by the Department on Aging to receive and
19 assess reports of alleged or suspected abuse, neglect, or
20 financial exploitation. A provider agency is also referenced as
21 a "designated agency" in this Act.

22 (i) "Regional administrative agency" means any public or
23 nonprofit agency in a planning and service area that provides

24 regional oversight and performs functions as set forth in
25 subsection (b) of Section 3 of this Act. The Department shall
26 designate an Area Agency on Aging as the regional

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1 administrative agency or, in the event the Area Agency on Aging
2 in that planning and service area is deemed by the Department
3 to be unwilling or unable to provide those functions, the
4 Department may serve as the regional administrative agency or
5 designate another qualified entity to serve as the regional
6 administrative agency; any such designation shall be subject to
7 terms set forth by the Department.

8 (i-5) "Self-neglect" means a condition that is the result
9 of an eligible adult's inability, due to physical or mental
10 impairments, or both, or a diminished capacity, to perform
11 essential self-care tasks that substantially threaten his or
12 her own health, including: providing essential food, clothing,
13 shelter, and health care; and obtaining goods and services
14 necessary to maintain physical health, mental health,
15 emotional well-being, and general safety. The term includes
16 compulsive hoarding, which is characterized by the acquisition
17 and retention of large quantities of items and materials that
18 produce an extensively cluttered living space, which
19 significantly impairs the performance of essential self-care
20 tasks or otherwise substantially threatens life or safety.

21 (j) "Substantiated case" means a reported case of alleged
22 or suspected abuse, neglect, financial exploitation, or

23 self-neglect in which a provider agency, after assessment,
24 determines that there is reason to believe abuse, neglect, or
25 financial exploitation has occurred.

26 (k) "Verified" means a determination that there is "clear

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1 and convincing evidence" that the specific injury or harm
2 alleged was the result of abuse, neglect, or financial
3 exploitation.
4 (Source: P.A. 98-49, eff. 7-1-13; 98-104, eff. 7-22-13; 98-756,
5 eff. 7-16-14; 98-1039, eff. 8-25-14; 99-180, eff. 7-29-15.)
http://www.ilqa.gov/search/iga_results.asp?q=hoarding&submit1=Go&site=leg100
<https://www.cga.ct.gov/2010/rpt/2010-R-0483.htm>

INDIANA:

*The State of Indiana **does not** provide a statewide policy, or code, directly relating to hoarding. However, Indiana's State Code **does** contain ordinances relating to Health Nuisances and Dwellings Unfit for Human Habitation. The condensed ordinances are provided below. These issues may be of interest to the Virginia Housing Commission:*

2017 Indiana State Code

Title 16. Health

Article 20. Local Health Departments

Chapter 25. Unlawful Conditions; Abatement Order; Enforcement; Providing False Information

IC 16-20-1-25 Unlawful conditions; abatement order; enforcement; providing false information

Sec. 25. (A) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.

(B) A health officer, upon receiving a complaint asserting the existence of unlawful conditions described in subsection (a) within the officer's jurisdiction, shall document the complaint as provided in subsection (d). Upon verifying the information contained in the complaint, the health officer shall order the abatement of those conditions. The order must:

(1) be in writing;

(2) specify the conditions that may transmit disease; and

(3) name the shortest reasonable time for abatement.

(C) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

(D) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer shall provide a copy of a complaint upon request to the person who is the subject of the complaint.

(E) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C misdemeanor.

[Pre-1993 Recodification Citation: 16-1-4-11.]

As added by P.L.2-1993, SEC.3. Amended by P.L.97-2012, SEC.16; P.L.292-2013, SEC.10.

Chapter 26. Injunctive Enforcement; Legal Representation of Health Authorities

IC 16-20-1-26 Injunctive enforcement; legal representation of health authorities

Sec. 26. (A) A local board of health or local health officer may enforce the board's or officer's orders, citations, and administrative notices by an action in the circuit or superior court. The court may take any appropriate action in a proceeding under this section, including any of the following:

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing an order and conditions under [IC 16-41-9](#).

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering that a property be vacated.

(7) Ordering that a structure be demolished.

(8) Imposing a penalty not to exceed an amount set forth in [IC 36-1-3-8\(a\)\(10\)](#).

(9) Imposing court costs and fees under [IC 33-37-4-2](#) and [IC 33-37-5](#).

(10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.

(11) Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time.

(B) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, local board of health, or health and hospital corporation employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

[Pre-1993 Recodification Citation: 16-1-4-13.]

As added by P.L.2-1993, SEC.3. Amended by P.L.122-2012, SEC.2.

IC 16-41-20Chapter 20. Health, Sanitation, and Safety: Dwellings Unfit for Human Habitation

IC 16-41-20-1 Dwellings unfit for human habitation

Sec. 1. A dwelling is unfit for human habitation when the dwelling is dangerous or detrimental to life or health because of any of the following:

- (1) Want of repair.
- (2) Defects in the drainage, plumbing, lighting, ventilation, or construction.
- (3) Infection with contagious disease.
- (4) The existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.

[Pre-1993 Recodification Citation: 16-1-25-5.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-2 Powers of local inspectors of buildings

Sec. 2. The inspector of buildings in a city or town may exercise all the powers granted the inspector in the following:

- (1) A city or town ordinance dealing with housing.
- (2) This chapter to boards of health.

[Pre-1993 Recodification Citation: 16-1-25-2.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-3 Exercise of powers by the state health department

Sec. 3. The state department may not exercise a power granted in this chapter without giving to the local board of health or county health officer having jurisdiction a notice setting forth the conditions that have been certified to the state department or of which the state department has knowledge. If the local board of health or county health officer fails to act not more than three (3) days after the notice, the state department may exercise the granted powers.

[Pre-1993 Recodification Citation: 16-1-25-3.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-4 Orders to vacate dwellings

Sec. 4. Whenever the state department, the local board of health, or county health officer determines that a dwelling is unfit for human habitation, the state department, local board of

health, or county health officer may issue an order requiring all persons living in the dwelling to vacate the dwelling within not less than five (5) days and not more than fifteen (15) days. The order must mention at least one (1) reason for the order.

[Pre-1993 Recodification Citation: 16-1-25-6.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-5 Extension or revocation of orders to vacate dwellings

Sec. 5. (A) The state department, local board of health, or county health officer that issued an order to vacate under section 4 of this chapter shall, for a good reason, extend the time within which to comply with the order.

(B) The state department, local board of health, or county health officer may revoke the order if satisfied that the danger from the dwelling has ceased to exist and that the dwelling is fit for habitation.

[Pre-1993 Recodification Citation: 16-1-25-7.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-6 Public nuisances

Sec. 6. The state department, local board of health, or county health officer may declare a dwelling that is unfit for human habitation a public nuisance. The state department, local board of health, or county health officer may order to be removed, abated, suspended, altered, improved, or purified a dwelling, structure, excavation, business, pursuit, or thing in or about the dwelling or the dwelling's lot, or the plumbing, sewerage, drainage, light, or ventilation of the dwelling.

[Pre-1993 Recodification Citation: 16-1-25-8.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-7 Orders for cleaning, repairing, or improving

Sec. 7. The state department, local board of health, or county health officer may order purified, cleansed, disinfected, renewed, altered, repaired, or improved a dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling that is found to be unfit for human habitation or the dwelling's lot.

[Pre-1993 Recodification Citation: 16-1-25-9.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-8 Service of orders

Sec. 8. An order issued under this chapter shall be served on the tenant and the owner of the dwelling or the owner's rental agent. The order may be served on a person who by contract has assumed the duty of doing the things that the order specifies to be done.

[Pre-1993 Recodification Citation: 16-1-25-10.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-9 Judicial review of orders

Sec. 9. (A) A person aggrieved by an order of a local board of health or county health officer issued under this chapter may, not more than ten (10) days after the making of the order, file with the circuit or superior court a petition seeking a review of the order.

(B) The court shall hear the appeal. The court's decision is final.

[Pre-1993 Recodification Citation: 16-1-25-11.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-10 Appeal bonds

Sec. 10. The person appealing to the circuit or superior court shall file with the court a bond in an amount to be fixed by the court with sureties to be approved by the judge and conditioned to pay all the costs on the appeal if the person fails to sustain the appeal or the appeal is dismissed.

[Pre-1993 Recodification Citation: 16-1-25-12.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-11 Review proceedings

Sec. 11. (A) Review proceedings shall be docketed as an action between the appellant and the local board of health or county health officer and shall be tried as civil actions are tried.

(B) The:

- (1) corporation counsel or the department of law in the city or town; and
 - (2) prosecuting attorney in cases arising outside of cities and towns and in cities and towns that do not have a department of law or any other legal representative;
- shall attend to all the proceedings on the part of the local board of health or county health officer.

(C) If no appeal is taken within the required ten (10) days, the order of the local board of health or county health officer is final and conclusive.

[Pre-1993 Recodification Citation: 16-1-25-13.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-12 Costs and expenses

Sec. 12. A person who:

- (1) violates this chapter; or
- (2) fails to comply with an order of:

(A) the state department or the state department's authorized agents;

(B) a local board of health; or

(C) a county health officer; is liable for all costs and expenses paid or incurred by the state department, a local board of health or the local board of health's authorized agents, or a local health officer in executing the order. This amount may be recovered in a civil action brought by the state department, the local board of health or the local board of health's authorized agents, or the county health officer, who is entitled to recover reasonable attorney's fees.

[Pre-1993 Recodification Citation: 16-1-25-14.]

As added by P.L.2-1993, SEC.24.

IC 16-41-20-13 Violations

Sec. 13. (A) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(B) Each day a violation continues constitutes a separate offense.

[Pre-1993 Recodification Citation: 16-1-35-1.]

As added by P.L.2-1993, SEC.24.

<http://iga.in.gov/legislative/laws/2017/ic/titles/016#16-41-20>

MASSACHUSETTS:

*The following link, due to lengthiness, provides Massachusetts State laws and regulations that may be cited in hoarding situations. However, Massachusetts **does not** provide a statewide hoarding policy in their Code.*

<http://www.hoardingcapecod.org/regulations/>

MARYLAND:

*The State of Maryland **does not** provide a statewide hoarding policy in their Code. However, Greenbelt, Maryland **does** have an Ordinance, within their City Code, declaring a property to be unsafe for human occupancy. The following includes provisions of a Maryland ordinance that contains policies/legislative findings, which may be of interest to the Virginia Housing Commission:*

GREENBELT, MD:

Chapter 4: Buildings and Building Regulations
Subdivision 8: Unsafe Structures and Equipment

...

Sec. 4-97. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. No. 1216, 6-10-02)

Chapter 4: Buildings and Building Regulations
Subdivision 5: Accumulations and Storage

...

Sec. 4-275. Accumulations.

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

(Ord. No. 1216, 6-10-02)

<https://www.greenbeltmd.gov/DocumentCenter/View/47>

MINNESOTA:

*The State of Minnesota **does not** provide a statewide hoarding policy in their Code. However, Minnesota **does** have policies relating to public nuisances. The following may be of interest to the Virginia Housing Commission:*

2017 Minnesota statutes

Chapter 561. Nuisance, Trespass, Waste; Liability

561.01 NUISANCE; ACTION.

Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

History: ([9580](#)) [RL s 4446](#)

<https://www.revisor.mn.gov/statutes/?id=561.01>

NEW JERSEY:

*The State of New Jersey **does not** provide a statewide hoarding policy in their Code. However, New Jersey **does** have policies relating to unfit properties where they are able to try cases of hoarding in their courts. A link, due to lengthiness, is provided below giving example of a hoarding case. The following may be of interest to the Virginia Housing Commission:*

Hillside Village v. Sandra Smith

<https://law.justia.com/cases/new-jersey/appellate-division-unpublished/2017/a0252-15.html>

NEW YORK:

*The State of New York **does not** provide a statewide hoarding policy in their Code. However, New York **does** have a Mental Health Law that requires assistance when managing personal property relating to hoarders. The consolidated code is listed below as well as a link to the case displaying the use of this code. The following may be of interest to the Virginia Housing Commission:*

New York Consolidated Mental Hygiene Law

MHY § 81.01 Legislative findings and purpose

The legislature hereby finds that the needs of persons with incapacities are as diverse and complex as they are unique to the individual. The current system of conservatorship and committee does not provide the necessary flexibility to meet these needs. Conservatorship which traditionally compromises a person's rights only with respect to property frequently is insufficient to provide necessary relief. On the other hand, a committee, with its judicial finding of incompetence and the accompanying stigma and loss of civil rights, traditionally involves a deprivation that is often excessive and unnecessary. Moreover, certain persons require some form of assistance in meeting their personal and property management needs but do not require either of these drastic remedies. The legislature finds that it is desirable for and beneficial to persons with incapacities to make available to them the least restrictive form of intervention which assists them in meeting their needs but, at the same time, permits them to exercise the independence and self-determination of which they are capable. The legislature declares that it is the purpose of this act to promote the public welfare by establishing a guardianship system which is appropriate to satisfy either personal or property management needs of an incapacitated person in a manner tailored to the individual needs of that person, which takes in account the personal wishes, preferences and desires of the person, and which affords the person the greatest amount of independence and self-determination and participation in all the decisions affecting such person's life.

<https://codes.findlaw.com/ny/mental-hygiene-law/mhy-sect-81-01.html>

1234 Broadway LLC v Feng Chai Lin

<https://law.justia.com/cases/new-york/other-courts/2009/2009-29304.html>

NORTH CAROLINA:

*The State of North Carolina **does not** provide a statewide hoarding policy in their Code. However, North Carolina **does** have an Ordinance, within Greensboro's City Code, declaring a property to be unsafe for human occupancy. North Carolina also has policies/legislative findings that may be of interest to the Virginia Housing Commission:*

Greensboro, North Carolina - Code of Ordinances

Chapter 17: Nuisances

Article I. Nuisances

Sec. 17-1. - Nuisances prohibited; enumeration.

(A) The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. The natural conditions on lands dedicated to and/or accepted by the city as natural stream corridors, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting

networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this article.

(1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.

https://library.municode.com/nc/greensboro/codes/code_of_ordinances?nodeId=COOR_CH17NU_ARTINU_S17-1NUPREN

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General Assembly of North Carolina: Session 2017

Cities/Periodic Building Inspections - HB 622

SECTION 1. G.S. 160A412 reads as rewritten:

"§ 160A412. Duties and responsibilities.

The General Assembly of North Carolina enacts:

(b) Except as provided in G.S. 160A424, G.S. 160A424 and G.S. 160A424.1, a city may not adopt a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One and TwoFamily Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a city and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the city to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One and TwoFamily Dwellings.

SECTION 2. G.S. 160A424 reads as rewritten:

"§ 160A424. Periodic inspections for hazardous or unlawful conditions.

(g) This section applies only to cities with a population of 25,000 or more."

SECTION 3. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"§ 160A424.1. Periodic inspections for hazardous or unlawful conditions in certain localities.

(a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings

or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between singlefamily and multifamily buildings. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) A city may require periodic inspections as part of a targeted effort within a geographic area that has been designated by the city council. The municipality shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a public hearing regarding the plan, (ii) hold a public hearing regarding the plan, and (iii) establish a plan to address the ability of lowincome residential property owners to comply with minimum housing code standards. A residential building or structure that is subject to periodic inspections by the North Carolina Housing Finance Agency (hereinafter "Agency") shall not be subject to periodic inspections under this subsection if the Agency has issued a finding that the building or structure is in compliance with federal standards established by the United States Department of Housing and Urban Development to assess the physical condition of residential property. The owner or manager of a residential building or structure subject to periodic inspections by the Agency shall, within 10 days of receipt, submit to the inspection department a copy of the Compliance Results Letter issued by the Agency showing that the residential building or structure is in compliance with federal housing inspection standards. If the owner or manager fails to submit a copy of the Compliance Results Letter as provided in this subsection, the residential building or structure shall be subject to periodic inspections as provided in this subsection until the Compliance Results Letter is submitted to the inspection department.

(c) In no event may a city do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property, except for those properties that have more than three verified violations in a 12month period or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local

ordinance; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of this section, levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties.

(d) A city may levy a fee for residential rental property registration under subsection (c) of this section for those rental units that have been found with more than two verified violations of local ordinances within the previous 12 months or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance. The fee shall be an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas. Cities using registration programs that charge registration fees for all residential rental properties as of June 1, 2011, may continue levying a fee on all residential rental properties as follows:

(1) For properties with 20 or more residential rental units, the fee shall be no more than fifty dollars (\$50.00) per year.

(2) For properties with fewer than 20 but more than three residential rental units, the fee shall be no more than twentyfive dollars (\$25.00) per year.

(3) For properties with three or fewer residential rental units, the fee shall be no more than fifteen dollars (\$15.00) per year.

(e) This section applies only to cities with a population of less than 25,000."

SECTION 4. This act is effective when it becomes law.

<https://www.ncleg.net/Sessions/2017/Bills/House/HTML/H622v1.html>

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General Assembly of North Carolina: Session 2017

An act granting counties the same authority as cities to declare certain buildings or structures unsafe and to remove or demolish unsafe buildings or structures and to place a lien on the owner's real property for the costs incurred. - HB 530

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A366 reads as rewritten:

"§ 153A366. Unsafe buildings condemned.

(a) Residential Building and Nonresidential Building or Structure. – The inspector shall condemn as unsafe each building that appears to him to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes; and he shall affix a notice of the dangerous character of the building to a conspicuous place on its exterior wall.

(b) Nonresidential Building or Structure. – In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets both of the following conditions:

(1) It appears to the inspector to be vacant or abandoned.

(2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire, or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(c) If an inspector declares a nonresidential building or structure to be unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B437.09, a "nonresidential redevelopment area" under G.S. 160A503(10), or an area with similar characteristics designated by the board of commissioners as being in special need of revitalization for the benefit and welfare of its citizens.

(d) A county may expand subsections (b) and (c) of this section to apply to residential buildings by adopting an ordinance. Before adopting the ordinance, the county shall hold a public hearing and shall provide notice of the hearing at least 10 days in advance of the hearing."

SECTION 2. G.S. 153A368 reads as rewritten:

"§ 153A368. Action in event of failure to take corrective action.

If the owner of a building that has been condemned as unsafe pursuant to G.S. 153A366 fails to take prompt corrective action, the local inspector shall by certified or registered mail to his last known address or by personal service give him written notice:

(1) That the building or structure is in a condition that appears to constitute meet one or more of the following conditions:

a. Constitutes a fire or safety hazard or to be hazard.

b. Is dangerous to life, health, or other property;property.

c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.

d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That a hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the inspector may issue any order to repair, close, vacate, or demolish the building that appears appropriate.

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least 10 days before the day of the hearing and a notice of the hearing is published at least once not later than one week before the hearing."

SECTION 3. G.S. 153A372 reads as rewritten:

"§ 153A372. Equitable enforcement.

(a) Action Authorized. – Whenever a violation is denominated a misdemeanor under the provisions of this Part, the county, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building involved.

(b) Removal of Building. – In the case of a building or structure declared unsafe under G.S. 153A366 or an ordinance adopted pursuant to G.S. 153A366, a county may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the county in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 9 of this Chapter. If the building or structure is removed or demolished by the county, the county shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The county shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(b1) Additional Lien. – The amounts incurred by the county in connection with the removal or demolition shall also be a lien against any other real property owned by the owner of the building or structure and located within the county's jurisdictional limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(c) Nonexclusive Remedy. – Nothing in this section shall be construed to impair or limit the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June, 2017.
<https://www.ncleg.net/Sessions/2017/Bills/House/HTML/H530v3.html>

VIRGINIA:

*The State of Virginia **does not** have a statewide hoarding code. However, Virginia **does** have a maintenance code that provides regulations for the maintenance of properties. Fairfax County, Virginia also has information providing how hoarding can become a public safety and health risk. The following findings are policies within Virginia that may be of interest to the Virginia Housing Commission:*

2012 Virginia Maintenance Code
Chapter 3. General Requirements
Section 301. General

...

301.2 Responsibility.

The owner of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land.

All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302

EXTERIOR PROPERTY AREAS

...

302.2 Grading and drainage.

All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the VCC.

302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702.

...

302.5 Rodent harborage.

All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures.

302.6 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures.

All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

...

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

...

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior

wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

...

304.4 Structural members.

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

...

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

...

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

...

304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.

Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

...

SECTION 305

INTERIOR STRUCTURE

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

...

305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

...

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish and garbage.

The interior of every structure shall be free from excessive accumulation of rubbish or garbage.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

This section shall apply to the extent that insect and rodent infestation adversely affects a structure. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner.

The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy.

The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owners* shall be responsible for pest elimination.

309.5 Occupant.

The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

<https://codes.iccsafe.org/public/document/VMNC2012/chapter-3-general-requirements>

Chapter 7. Fire Safety Requirements

Section 701. General

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

Section 702. Means of Egress

[F]702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

[F]702.2 Aisles.

The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F]702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[F]702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in

effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Section 703. Fire-Resistance Ratings

[F]703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F]703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

<https://codes.iccsafe.org/public/document/VMNC2012/chapter-7-fire-safety-requirements>

FAIRFAX COUNTY, VIRGINIA

<https://www.fairfaxcounty.gov/code/hoarding/public-safety-and-health-risks>

TENNESSEE:

*The State of Tennessee's Court of Appeals **does** provide court opinions relating to hoarding. The Court Opinion is in the form of a link due to its lengthiness. However, when looking further into the court opinion it seems to be hard to find elsewhere. This could be due to it being in 2011, or other possible reasons. This opinion may need further research. These findings may be of interest to the Virginia Housing Commission:*

<http://newsletters.davis-stirling.com/Docs/Cases/Harris.pdf>

<https://www.cohoalaw.com/covenant-enforcement/hoarding-may-cause-owner-to-lose-unit/#more-263>

TEXAS:

*The State of Texas **does** have a statewide hoarding policy in their Code of Ordinances. The following includes provisions of the Texas Code that do contain polices/legislative findings, which may be of interest to the Virginia Housing Commission:*

Article XX: Hoarding and Related Behaviors

...

Sec. 10-753. - Unlawful accumulations.

It is unlawful for an occupant of a dwelling unit within the scope of this article to store or otherwise to accumulate in or on the dwelling unit objects or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health of an occupant of another dwelling unit on the same or a contiguous property, even if the objects or substances are not visible from a public place or a public right-of-way.

(Ord. No. 2014-331, § 2, 4-16-201

...

Sec. 10-756. - Authority to consult with mental health organization.

In a manner consistent with an operating procedure promulgated by the chief of police, an enforcing official may consult with MHMRA of Harris County (or with another nonprofit mental health organization approved in writing by the chief of police) when circumstances related to the enforcement of this article reasonably indicate that an occupant of a dwelling unit may suffer from a mental illness, including but not limited to a hoarding disorder as described in the then-current edition of the *Diagnostic and Statistical Manual of Mental Disorders* .

(Ord. No. 2014-331, § 2, 4-16-2014)

https://library.municode.com/tx/houston/codes/code_of_ordinances?nodeId=COOR_CH10BUN_EPR_ARTXXHOREBE

WASHINGTON, D.C.:

*Washington, D.C. **does not** include a hoarding policy in their Code. However it **does** provide policies/legislative findings that describe the responsibilities of a housing tenant. These findings may be of interest to the Virginia Housing Commission:*

Title 14: Housing

Chapter 14-8: Housing Code: Cleanliness, Sanitation, and Safety

802 RESPONSIBILITIES OF TENANTS

802.1 In those portions of premises occupied for residential purposes under the exclusive control of a tenant, it shall be the responsibility of the tenant to observe the provisions of this chapter, unless otherwise indicated in this chapter.

802.2 In addition to the tenant's responsibilities under § 800, the tenant shall specifically be responsible for the following:

(A) Keeping the part of the premises that the tenant occupies and uses as clean and sanitary as the conditions of the premises permit;

(B) Disposing from the tenant's dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean, safe, and sanitary manner;

(C) Keeping all plumbing fixtures as clean and sanitary as the condition of those fixtures permit;

(D) Properly using and operating all electrical, gas, plumbing, and heating fixtures and appliances.

802.3 A tenant shall not do or permit any person on the premises with the tenant's permission to do any of the following:

(A) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the structure or dwelling unit; or

(B) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the facilities, equipment, or appurtenances to the dwelling unit.

802.4 The tenant of each dwelling unit in multiple dwellings shall provide as needed for the tenant's own use sufficient, lawful and separate receptacles for the storage of ashes, garbage, and refuse in the tenant's own unit.

802.5 All garbage, refuse, and ashes of each unit shall be placed by the tenant in receptacles and transferred by the tenant to the designated place of common storage on the premises, unless the collection and transfer is provided by the operator.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR §§ 2601, 2602A and 3205, Commissioners' Order 55-1503 (August 11, 1955).

<https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=14-802>

Other Resources:

<http://newsletters.davis-stirling.com/Docs/Cases/Harris.pdf>

<https://www.bostonglobe.com/magazine/2016/11/01/where-shows-get-wrong-hoarding/vnzaM9LsKM5P3HqGSrUteJ/story.html>

<https://www.cga.ct.gov/2010/rpt/2010-R-0483.htm>

<http://www.centralillinoisproud.com/news/local-news/update-pekkin-woman-pleads-guilty-in-hoarding-case/385990133>

<http://www.kbtv.com/content/news/Snook-residents-arrested-on-illegal-dumping-charge-462448733.html>

http://www.mncounties.org/document_center/MeetingEducation/annualconference/presentations/Block%202%20Public%20Health%20Nuisances.pdf